IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 191 OF 2005

MRS.MARIA CYNATHIA D'SA AND 22 ORS., ...Petitioners

Versus

CENTRAL REGISTRAR OF CO-OPERATIVE SOCIETIES AND 3 ORS., ...Respondents

Mr. M. V. Ramana with Mr. Anthony D'Silva, Advocate for the petitioners.

Mr. J. P. Mulgaonkar, Advocate for the respondent No.3.

Coram:- R. M. LODHA, J.

Date:- 14th October, 2005

P.C.

Heard Mr. M. V. Ramana, the learned Counsel for the petitioners and Mr. J.P. Mulgaonkar, the learned Counsel for the respondent No.3.

2. The principal grievance raised in the writ petition is concerning the attachment of the apartments "Caetan Paul Residency", Mapusa in execution of the award dated 16.07.1999 and vide public notice dated 23.5.2005. The case of the petitioners is that they are bona fide purchasers of the subject-apartments for valuable consideration and they have no connection whatsoever with the debts obtained by the respondent No.4 from the respondent No.3 and the Judgment and Award dated 16.7.1999 that has been passed in favour of the respondent No.3 and against the respondent No.4.

3. The learned Counsel for the respondent 3 raised the preliminary objection and submitted that the grievance that has been raised by the petitioners in the writ petition can be adequately raised under Rule 37 of

the Multi-State Co-operative Societies Rules, 2002 and upon the objection being made by the petitioners, the Recovery/Sale Officer shall investigate the said objection and dispose of the same on merits.

4. The learned Counsel for the petitioners sought to contend that Rule 37 of the Multi-State Coperative Societies Rules, 2002 is not applicable.

5. I do not find merit in the submission of the learned Counsel for the petitioners that Rule 37 of the Rules, 2002 has no application. The remedy provided under Rule 37(2)(a) of the Multi-State Co-operative Societies Rules, 2002 is efficacious and adequate.

6. Consequently, the writ petition is disposed of by the following order :

(i) The petitioners are given two weeks time to file their objections in respect of the attachment of the subject-property before the Recovery/Sale Officer, Central Registrar of Co-operative Societies, Mapusa.

(ii) Upon such objections being raised by the petitioners to the Recovery/Sale Officer, the Central Registrar of Co-operative Societies is directed to investigate the said objections and pass appropriate order after hearing the petitioners.

(iii) Until disposal of the objections (to be filed by the present petitioners within two weeks) and for a period of four weeks therefrom, no further steps shall be taken by the Recovery/Sale Officer for sale of the subject-apartments.

R. M. LODHA, J.

ssm.